

To: Larry Silver[lsilver@lssh-law.com]
From: Nash, Thomas
Sent: Wed 2/11/2015 10:04:01 PM
Subject: FW: EPA's Special Notice and CERCLA 104(e) Information Requests for South Dayton Dump & Landfill

Larry:

I gave Steve Lemon the second paragraph of this message, which I've been providing and will provide to all who received the Special Notice and the CERCLA 104(e) information request. I think Ken Brown has already received the 30 day extension. Perhaps you can tell him, and of course Ed at NCR about the extensions and limitations described below.

Thanks, Tom

From: Nash, Thomas
Sent: Wednesday, February 11, 2015 10:03 AM
To: Jack Van Kley
Cc: 'James B. Slaughter'; 'Knowlton, Leah J. (Atlanta)'; 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; 'Esborn, Theodore'; 'Bill Wick'; 'Campbell, Drew'; Frank Merrill (fmerrill@bricker.com); 'Lewis, Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.'; 'Vicki J. Wright'; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'
Subject: RE: EPA's Special Notice and CERCLA 104(e) Information Requests for South Dayton Dump & Landfill

Good morning, Jack:

We had a conference call yesterday. All or most of those on your list of attorneys either took part or were represented by a colleague or associate. I'm sorry your schedule did not allow you to join us. The extension EPA is granting for a response and the limitations placed on the information request in the paragraph below will be communicated by EPA to other recipients of the Special Notice letter and the enclosed CERCLA 104(e) information requests.

EPA grants a 30 day extension of the deadlines for response to the Special Notice and the CERCLA 104(e) information request. EPA has decided to grant this extension to all Special Notice recipients in this matter who request such an extension. EPA has agreed with the suggestion of Mr. Jack Van Kley, that it is appropriate to place a chronological limitation on the scope of the questions in the information request. EPA has agreed with Mr. Van Kley's suggestion that the questions be limited to the period 1941-1996. This limitation applies to all respondents to the information request. EPA has also agreed to place a geographical limitation on the scope of the request. The questions in the information request shall be limited to facilities located within 50 miles of the Site. This limitation is also applicable to each company responding to the information request.

Thanks, Tom

From: Jack Van Kley [jvankley@vankleywalker.com]
Sent: Friday, January 30, 2015 4:17 PM
To: Nash, Thomas
Cc: 'James B. Slaughter'; 'Knowlton, Leah J. (Atlanta)'; 'David P. Pierce'; 'SSlack@foley.com'; 'Fry, W. Roger'; 'Robert J. Thumann'; 'Black, Jennifer'; 'Esborn, Theodore'; 'Bill Wick'; 'Campbell, Drew'; Frank Merrill (fmerrill@bricker.com); 'Lewis, Martin'; 'Nes, Brad'; 'Haughey, Stephen N.'; 'Andreasen, John A.';

'Vicki J. Wright'; 'Harbeck, William H. (MKE x1853)'; 'Rhinehart, Erin E.'
 Subject: EPA's 104(e) Requests for South Dayton Landfill

Tom,

Following our conversation earlier this week, I asked the attorneys representing other recipients of EPA's Special Notice Letter for South Dayton Landfill whether they believe that it would be productive to have a group discussion with you by telephone to talk about the invitation to negotiate and information requests in EPA's letter. The attorneys who have indicated an interest in having this discussion with you are listed below, along with the names of the clients they represent:

Bill Wick, Bridgestone
 Jack Van Kley, Cargill and Newmark
 Leah Knowlton, Coca Cola
 John Andreason, Conagra Grocery Products
 Erin Rhinehart, Cox Media Group Ohio
 Ted Esborn, Day International
 Drew Campbell/Frank Merrill, Dayton Power & Light
 David Pierce, Fickert Devco
 Steve Haughey, Flowserve, Standard Register and Univ. of Dayton
 Robert Thumann, Franklin Iron & Metal
 Jennifer Black, Harris Corporation
 Sarah Slack, Kimberly Clark
 James Slaughter, Ohio Bell
 Brad Nes, P-Americas
 Roger Fry, Peerless Transportation
 Vicki Wright, Pharmacia
 Marty Lewis, Valley Asphalt
 Bill Harbeck, Waste Management of Ohio

I am copying these attorneys on this message, so that you have their email addresses.

Individual recipients of the Special Notice Letter, including some on the foregoing list, might need to discuss issues about the information requests and invitation to negotiate that are specific only to each of those recipients. However, a group discussion to talk about issues common to the listed companies would be more efficient than going over the same issues with every recipient affected by those issues. Consequently, we would appreciate the opportunity to have such a discussion with you.

I appreciated the opportunity to have preliminary discussions about the Special Notice Letter with you. Based on our discussion, I understand that the statement in EPA's letter that "[y]ou are encouraged to contact EPA by January 30, 2015 to indicate your willingness to participate in future negotiations concerning this Site" is not a deadline, since it only "encourages" the letter's recipients to respond by that time, and that EPA will be receptive to such responses for a couple of weeks after January 30. I also understand that, if individual companies need more than another two weeks to respond, they should let you know that they need more time.

As to the information requests, I understand from our discussion that the respondents are not expected to provide information for time periods other than 1941 to 1996 (when the South Dayton Landfill was open for business) and that the respondents are not required to respond to Request Nos. 16. p. and q. (concerning wastes discharged into drains and sewers).

If I misunderstand EPA's position on any of these points, I would appreciate it if you would let me know. We look forward to working with you on these issues.

Regards, Jack

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